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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,450	06/24/2003	Ernest B. Pryor JR.	10499-649US (795210104-03)	4405
570	7590	09/19/2005	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103				
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b> 10/603,450	<b>Applicant(s)</b> PRYOR, ERNEST B.	
	<b>Examiner</b> Tony G. Soohoo	<b>Art Unit</b> 1723	

All participants (applicant, applicant's representative, PTO personnel):

(1) Tony G. Soohoo. (3) \_\_\_\_\_

(2) Kerry Goodwin. (4) \_\_\_\_\_

Date of Interview: 13 September 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: proposed amendment claims and drawings, see attached fax (7 pages).

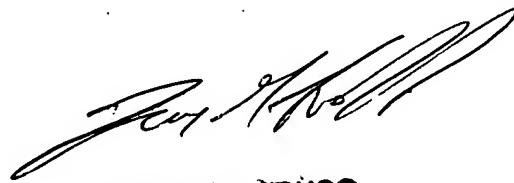
Identification of prior art discussed: \_\_\_\_\_

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: the proposed amendment would not be entered if submitted. The U-shape description would raise issues to new matter. Drawing change to the placement of the hole as shown in the proposed drawing element 53 would also be new matter to a particular hole placed at the top or through the handle. The original specification only broadly describes an opening in communication to the cavity.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



**TONY G. SOOHOO**  
**PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

AKIN GUMP  
STRAUSS HAUER & FELD LLP  
Attorneys at Law

Attachment  
to interview  
summary  
BS 1723

## CERTIFICATE OF FACSIMILE TRANSMISSION

September 9, 2005

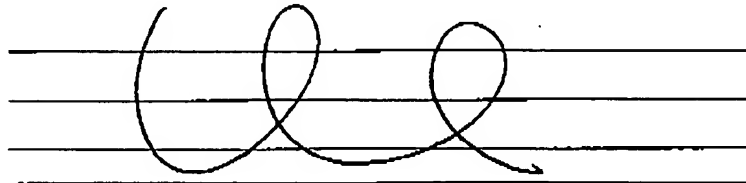
TONY G. SOOHOO  
PRIMARY EXAMINER

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature:

Name of Person Signing Certificate:

Date August 31, 2005



To	Company	Fax	Phone
Examiner Tony Glen Soohoo	Group Art Unit 1723 USPTO	571-273-1147	571-272-1147

From: Kerry Goodwin **KG**  
Total Pages: 7  
Direct Dial: 215-965-1267  
Re: U.S. Patent Application No. 10/603,450, Docket No.: 10499-649US  
Title of Paper(s) being sent Proposed After Final Amendments, For Discussion Purposes Only

Examiner Soohoo,

Thank you for agreeing to take a look at the proposed after final amendments. I will call you next Tuesday, September 13 to discuss. Should you have any questions, please let me know.

Kerry Goodwin

Akin Gump Strauss Hauer &amp; Feld

Floor: 22

☐ Return fax via Interoffice Mail

Sender's email: kgoodwin@akingump.com

Secretary:

☐ Hold fax for pickup

Sender's fax: 215.965.1210

Ext: 21379

Fax Operation Verification: \_\_\_\_\_

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One Commerce Square / 2005 Market Street, Suite 2200 / Philadelphia, Pennsylvania 19103-7013 / 215.965.1200 / fax: 215.965.1210 / akingump.com

Application No. 10/603,450  
Proposed Specification, Drawing, and Claim Amendments  
For Discussion Purposes Only  
Do Not Enter

**Proposed Amendments to the Specification**

**For Discussion Purposes Only**

**Do Not Enter**

Please amend the specification as follows:

At page 5, under the heading "DETAILED DESCRIPTION OF THE INVENTION" and between original paragraphs [0024] and [0025], please amend paragraph [0024.1] as shown below, w.

[0024.1] The handle 54 may be provided with an opening 53 (~~shown in phantom~~, see Figs. 3-5) which is in fluid communication with the cavity 48 such that foodstuff may enter the cavity 48 through the opening 53. ~~In particular, the opening 53 is connected to the cavity 48 via a passageway 53a (also shown in phantom). A similar opening 153 and associated passageway 153a (shown in phantom, see Fig. 6) could be provided in the ribbed handle 154.~~

Application No. 10/603,450  
Proposed Specification, Drawing, and Claim Amendments  
For Discussion Purposes Only  
Do Not Enter

**Proposed Amendments to and Listing of the Claims:**

**For Discussion Purposes Only**

**Do Not Enter**

1. (Currently amended) A stirring stick for manipulating foodstuff in combination with a blender, the combination comprising:
  - a blender base containing a motor;
  - a blender jar releasably attached to the base, the blender jar being open at a top end and closed at a bottom end;
  - a blade set drivingly connected to the motor, the blade set extending into the blender jar proximate the bottom end;
  - an elongate plunger having first and second ends, the plunger having a cavity extending between the first and second ends such that ~~at least a portion of the plunger is~~ generally ~~rough-shaped~~ U-shaped in cross-section, the cavity being open at least at the second end, ~~forming an opening extending in a direction parallel to a longitudinal axis of the plunger, the opening and cavity forming a continuous flow channel from the first end to the second end;~~ and;
  - a handle attached to the first end of the plunger, such that a user may move the stirring stick in one or more directions when the stirring stick is positioned in the blender.
2. (Original) The stirring stick of claim 1 further comprising a scoop attached to the second end of the plunger, the scoop being shaped to guide foodstuff into the cavity.
3. (Original) The stirring stick of claim 2 further comprising a plunger tip attached to the scoop, the plunger tip having a scraping edge.
4. (Original) The stirring stick of claim 1 wherein the handle has an opening which is in fluid communication with the cavity, such that foodstuff may enter the cavity through the opening.

Application No. 10/603,450  
Proposed Specification, Drawing, and Claim Amendments  
For Discussion Purposes Only  
Do Not Enter

5. (Original) The stirring stick of claim 1 wherein a top portion of the handle is generally semi-spherical in shape.
6. (Original) The stirring stick of claim 1 further comprising a collar disposed between the first end of the plunger and the handle, the collar having a diameter size which is substantially larger than a diameter of the plunger.
7. (Original) The stirring stick of claim 6 wherein the collar is generally disc-shaped.
8. (Original) The stirring stick of claim 6 wherein the collar is generally frustoconical.
9. (Currently amended) A blender for blending foodstuff comprising:
  - a base containing a motor;
  - a blender jar releasably attached to the base, the blender jar being open at a top end and closed at a bottom end;
  - a blade set drivingly connected to the motor, the blade set extending into the blender jar proximate the bottom end;
  - a lid covering a substantial portion of the top end of the blender jar, the lid having an opening extending therethrough; and
  - a stirring stick extending through the opening in the lid and into the blender jar from the top end, wherein the stirring stick comprises:
    - an elongate plunger having first and second ends, the plunger having a cavity extending between the first and second ends such that at least a portion of the plunger is generally ~~trough-shaped~~ U-shaped in cross-section, the cavity being open at least at the second end, ~~forming an opening extending in a direction parallel to a longitudinal axis of the plunger, the opening and cavity forming a continuous flow channel from the first end to the second end;~~
    - and
    - a handle attached to the first end of the plunger, such that a user may move the stirring stick in one or more directions when the stirring stick is positioned in the blender.

Application No. 10/603,450  
Proposed Specification, Drawing, and Claim Amendments  
For Discussion Purposes Only  
Do Not Enter

10. (Original) The blender of claim 9 wherein the stirring stick further comprises a scoop attached to the second end of the plunger, the scoop shaped to guide foodstuff into the cavity.
11. (Original) The blender of claim 10 where the stirring stick includes a plunger tip attached to the scoop, the plunger tip having a scraping edge.
12. (Original) The blender of claim 9 wherein the handle has an opening which is in fluid communication with the cavity, such that foodstuff may enter the cavity through the opening.
13. (Original) The blender of claim 9 wherein a top portion of the handle is generally semi-spherical in shape.
14. (Original) The blender of claim 9 wherein the stirring stick further comprises a collar disposed between the first end of the plunger and the handle, the collar having a diameter which is substantially larger than a diameter of the opening in the lid.
15. (Original) The blender of claim 14 wherein the collar is generally disc-shaped.
16. (Original) The stirring stick of claim 14 wherein the collar is generally frustoconical.



Proposed Amendment  
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3/4

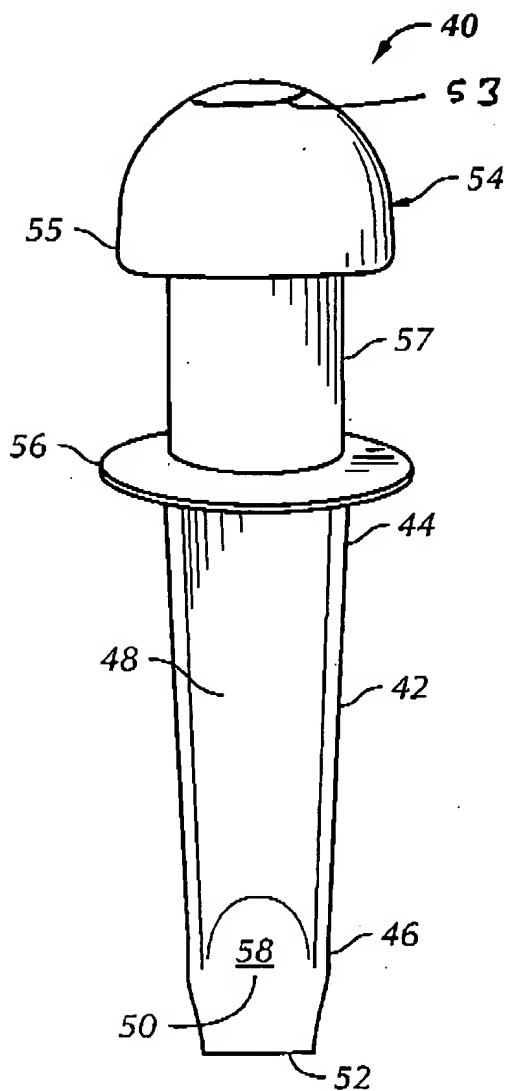
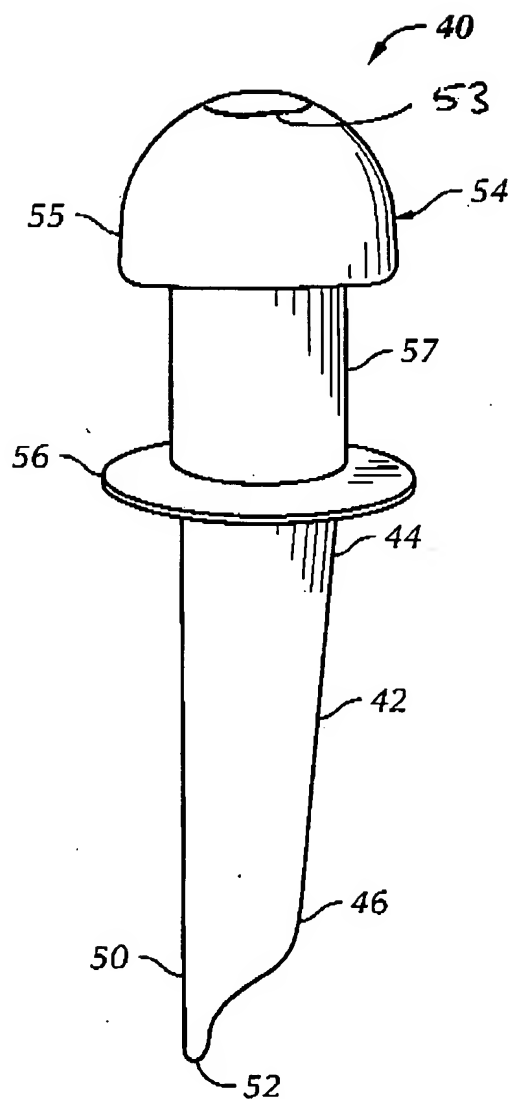


FIG. 3.



Proposed Amendment  
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4/4

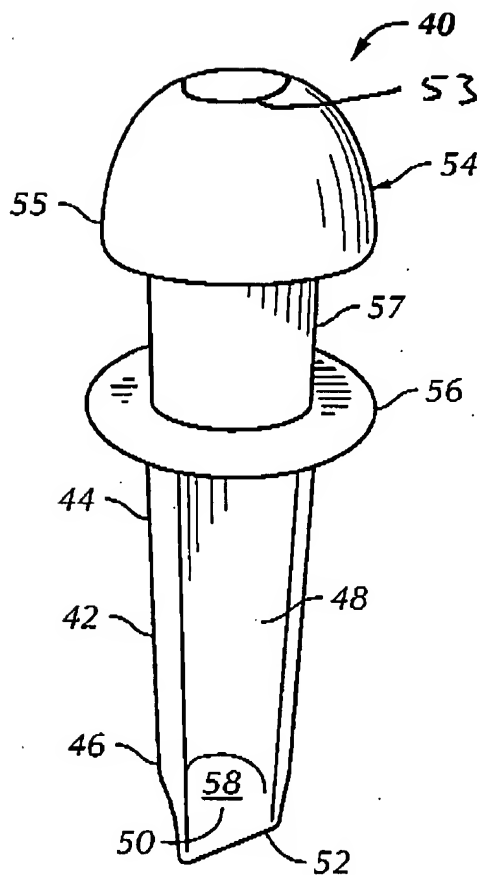


FIG. 5

